



**State of Connecticut**  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

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JOINT COMMITTEE ON APPROPRIATIONS  
February 19, 2013

The Division of Criminal Justice wishes to thank the Joint Committee on Appropriations for this opportunity to submit additional information concerning the Governor's FY 2014/2015 Biennial Budget. We extend our appreciation to the Governor and the Office of Policy and Management for their thorough review of the Division of Criminal Justice's biennial budget submission. We look forward to working with the Committee as you proceed with your examination of the Division's funding needs to assure our continued ability to fulfill our constitutionally mandated mission.

The Division is fully cognizant of the continued financial difficulties facing our state and its people. In response we have sought to aggressively manage our operations to achieve the maximum results from the minimum resources. The loss of more than 10% of our General Fund positions over the last several years has forced us to triage resources and create efficiencies in all areas, albeit not without significant sacrifice.

It is nearly impossible to keep up with the agency's administrative responsibilities with the loss of 18% of our central office administrative staff in Rocky Hill over this same time period. At present we have 24 employees in administrative positions to handle the information technology, human resource, accounting, purchasing, payroll, budgeting, grants management and affirmative action responsibilities for a \$50 million agency with more than 500 employees located in approximately 40 offices statewide. I can't imagine any similarly situated organization, public or private, able to operate efficiently with these limited staffing levels. Any unplanned loss of current staff in these critical areas, through limited or long term medical absences, or retirements, will literally leave the Division unable to operate administratively. There is not even a "shallow bench" behind the current front liners.

The loss of positions has been felt in other areas as well. A comparison of our current General Fund payroll compared to the same time period in 2009 shows that there are 8.49% fewer prosecutors, 13.38% fewer clerical employees, and 13.92% fewer inspectors. Operations personnel, particularly the inspectors assigned to criminal investigations, have been redeployed to meet the pressing demands of the Shooting Task Forces and cold case investigations. Ours is a labor-intensive agency and thus has acutely felt the impact of the position losses and hiring freezes of recent years. More than 90 cents of each dollar spent by the Division of Criminal Justice goes for personnel costs, none of which is overtime. Were it not for the commitment and dedication of our employees, the Division would be hard-pressed to fulfill its responsibilities to our state and its people; and yet even this yeoman's effort is now stressed to the point where we must be concerned with whether we are giving

cases the attention they need or just processing too many cases in ways that create burdens on other agencies and the public.

The Division of Criminal Justice is a small agency when compared to many others in state government, but nonetheless is a critical component of the criminal justice system and our state's mechanism to pursue justice. The agency traces its origins to colonial days and the appointment of the "Attorney for the Queen" in 1705, which represents not only the first prosecutor in America but the birth of the concept of public prosecution, i.e., that a crime is committed not only against the individual, but the public as well. The Division today operates pursuant to Article XXIII of the Connecticut Constitution, enacted in 1984, and is essentially responsible for the investigation and prosecution of all criminal matters in the State of Connecticut. Our prosecutors, inspectors, investigators and support staff serve in some fifty offices throughout the state and are responsible for representing the state in all of the thousands of criminal and motor vehicle matters brought to our court system from the least serious traffic violation to the most serious felony crimes.

While it is true that the number of overall reported crimes has decreased in most recent years, we have not experienced a significant decline in the number of the most serious crimes reported. At the same time that the number of serious crimes remains relatively constant, the complexity of these cases has increased. With the advent of recorded interrogations prosecutors and inspectors who previously would receive defendant statements of only a few pages are now required to review hours of recorded interrogations or the resulting voluminous transcript, if there is one. Recent legislation and court rulings concerning eyewitness identification of suspects has resulted in an ever-increasing reliance on expert witnesses, again requiring additional research and preparation on the part of the prosecutor and/or Inspector. There is also the phenomenon of the so-called CSI effect, which has resulted in more and more juries expecting more sophisticated presentation of the state's case, again requiring additional time, effort and expertise on the part of the prosecutors, Inspectors and our one-person case presentation unit. So while it may be true that crime is down overall, (1) the number of serious crimes requiring the most time and attention is not and (2) the complexity and demands of these cases is actually on the increase.

The question cannot be just whether the Division of Criminal Justice can handle its caseload, but how it handles that caseload. Our analysis shows that in many of the Geographical Area courts (where all prosecutions begin and all but the most serious cases are resolved) it is not unusual for a prosecutor to spend a mere three to five minutes on each case called on a given day. This is not fair to the victim of the crime or the defendant, both who seek justice albeit usually from diametrically opposed perspectives. Nor is it fair to the prosecutor or others in the criminal justice system who are called upon to make important decisions with little or no time for thoughtful consideration, let alone additional research or investigation of the case and the underlying circumstances. It is hard to see how the system can get the whole picture of a case and the individuals involved in three to five minutes. Would more time and review of each case lead to more appropriate plea offers, or in some cases to a decision not to prosecute (the entering of a *nolle prosequi*) a case? Would some cases be better handled by an outright decision not to prosecute rather than to refer the defendant to one of the host of diversionary programs available? Would the decision to release someone or to incarcerate that person to protect a victim or the public be made with more precision if the prosecutor had more time?

The same concern applies to the review of arrest warrant applications, another major responsibility that rests with prosecutors and investigative staff. Many, possibly most,

arrests that occur in Connecticut are by warrant, particularly for the most serious crimes. Each and every one of the thousands of arrest warrant applications that go before a judge each year does so only after it is reviewed and signed by a prosecutor. A great many applications submitted by police are reviewed and denied by prosecutors or sent back to the police for additional investigation. The defense bar has no corresponding role. More time would undoubtedly produce better results as the prosecutor would be able to conduct additional research. In many cases, more detailed review by the prosecutor would likely result in a request for additional information and/or investigation by the police agency that submitted the warrant application. Undoubtedly in some cases this additional review would result in a decision by the prosecutor and/or the police agency not to proceed with a warrant – reducing the overall caseload instead of generating a case that might only run into problems further down the line once a warrant is issued and arrest made, or the additional investigation would lead to stronger cases that are more easily and justly resolved.

The Division believes we must avoid the temptation to focus solely on alternatives to incarceration and reduction of recidivism. This places too great an emphasis on the “back end” of the system. As recently noted in *The New York Times* (“Prison population can shrink when police crowd streets,” by John Tierney, January 25, 2013), a more appropriate emphasis might rest on the “front end” of the system, and in particular on the resources and effort put into the investigation of crimes and suspected criminal activity. Our experience with the three Shooting Task Forces (Hartford, New Haven and New Britain) and the cold case units (Rocky Hill, Southeastern Connecticut/New London County) is that greater involvement of prosecutors and inspectors in crime prevention and suppression is invaluable. The Hartford Police Department has recorded a noted and very encouraging reduction in the number of shooting incidents since the establishment of the Hartford Shooting Task Force in July 2011. During that timeframe Hartford has experienced a 21% drop in the number of shooting incidents and more than a 30% reduction in the number of shooting victims.

We have also found that the work of the Hartford Shooting Task Force has an ancillary benefit that is realized in savings to hospitals for reduced emergency room visits by shooting victims. Compared to 2010, there were 56 fewer shooting victims in calendar year 2012. Based on an average lifetime medical costs per gunshot injury of \$26,350 (49% of which is borne by taxpayers), the medical cost savings from decreasing shooting victims in Hartford alone is \$1,475,600 of which \$723,044 would be borne by taxpayers. There is also a somewhat intangible, yet no less significant, benefit in the increased involvement of the community as a stakeholder with law enforcement in ridding the community of perpetrators of gun violence. An increased confidence in law enforcement is reflected in the willingness of witnesses to come forward with information that will aid investigations. Thanks to legislative action taken by this body in 1999 (Public Act 99-240, “An Act Concerning Witness Protection”) the Division is able to protect such witnesses who may be at risk under the Leroy Brown, Jr. and Karen Clarke Witness Protection Program funded in a dedicated General Fund account. The fact that this account is seeing severe strain in this fiscal year is partly a result of the increase in witnesses cooperating with law enforcement in those jurisdictions where the Shooting Task Forces are active.

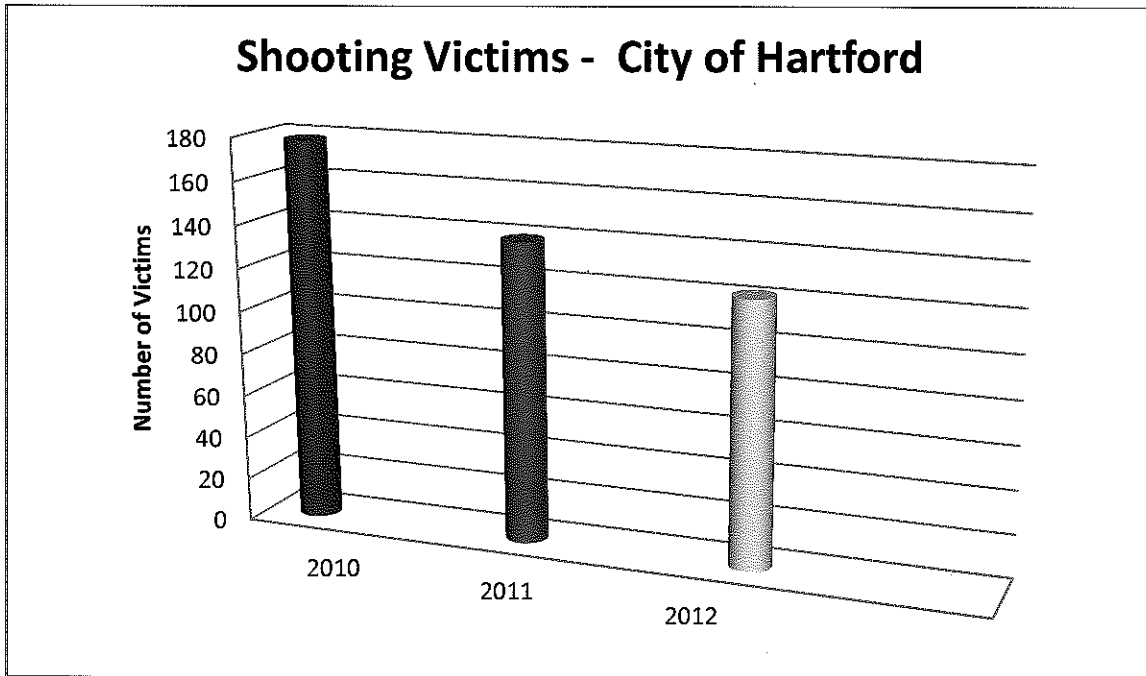
The shooting task forces – and the cold case units – focus intensive investigative efforts on cases in the pre-arrest stage. Both of these initiatives also utilize “vertical prosecution” where the same prosecutor is assigned to a case from the early days of investigation through the final resolution in court. This has allowed us to build stronger cases. At the same time it has also brought additional burdens. The same commitment made in the

investigative stage must carry through the prosecution stage of a case in court. In New London, for example, the successful investigation of cold cases has resulted almost back-to-back murder trials, which are demanding substantial time and effort on the part of the local, understaffed State's Attorney's office above and beyond the work of the cold case unit.

The Division is proud of the accomplishments of the Shooting Task Forces and the cold case units – programs that originated initially within the Division and without any specific allocation of resources in our official budget. When the incidence of non-fatal shootings reached startling levels in Hartford, the Division, on its own, joined with the Hartford Police Department, other state and federal agencies and municipal police departments to re-establish the Shooting Task Force. While we are pleased with the results in Hartford, and with the Shooting Task Forces in New Haven and New Britain, these initiatives have come with a cost to other Division operations. Most of the sworn inspectors remaining in the Office of the Chief State's Attorney are assigned to investigate fraud in government programs (i.e., Medicaid, Workers' Compensation, Unemployment Compensation), and in most cases their cost is paid by federal or other non-General Fund sources. Fewer than a half-dozen inspectors remain available to serve all other functions, including the investigation of public corruption and complex financial crimes or to support asset forfeiture, nuisance abatement and civil litigation (*habeas corpus* appeals).

The recommended General Fund position count for the FY14-FY15 biennium reflects a 10.6% reduction since 2009, a loss of 57 positions. These reductions have impacted all 13 judicial districts, 20 geographical areas, 11 juvenile locations and the housing locations. At least one juvenile court has had no permanently assigned prosecutor for more than one year. Permanent housing court assignments are a thing of the past in many areas. Again, we cannot express enough gratitude and appreciation for the commitment, dedication and spirit of our employees, but there is only so far that they, like each dollar, can be stretched.

In conclusion, the Division respectfully asks the Committee to carefully examine not only the bottom line, but the mission of the Division of Criminal Justice, its role in the law enforcement community, and the criminal justice system itself. To reiterate, we cannot only look at the number of cases the system handles; we must look at how those cases are handled. Doing so will result in a criminal justice system that is not only more efficient and cost-effective in the long run, but which also serves the interests of justice.



#### Medical Cost Savings from Decreasing Shooting Victims

The average lifetime medical cost per gunshot injury is estimated to be, in 2012 dollars, \$26,350; 49% of this figure, or \$12,912, is borne by taxpayers.<sup>1</sup>

In calendar 2012 there were 122 shooting victims in the City of Hartford.

In calendar 2011, there were 139 shooting victims in the City of Hartford.

In calendar 2010, there were 178 shooting victims in the City of Hartford.

Compared to calendar 2010, there were 56 fewer shooting victims in calendar 2012.

Medical cost savings:

Overall:  $56 \times \$26,350 = \$1,475,600$ , of which **\$723,044** would have been borne by the taxpayer.

<sup>1</sup>Cook, Philip J, Bruce A. Lawrence, Jens Ludwig, and Ted R. Miller., "The Medical Costs of Gunshot Injuries in the United States," JAMA, 282(5) (1999): 447-454"

